

1 Debtor's Chapter 11 case to a liquidation under Chapter 7 of the Bankruptcy Code. Leslie T.
2 Gladstone is the duly appointed, qualified and acting Chapter 7 Trustee for the Debtor's
3 bankruptcy estate.

4 **2.** Trustee's final account and certification that the estate has been fully
5 administered was filed on June 13, 2018 and the Court closed the case on July 5, 2018.

6 **3.** On April 26, 2022, the Office of the United States Trustee ("UST") received
7 correspondence from Trustee that informed she had received an offer to purchase the chapter
8 7 estate's rights under an equipment lease (that are secured by both a personal guarantee and
9 lien on a third party's real property were acquired by the chapter 7 estate via a post-petition
10 settlement with California Bank & Trust. Trustee contended that the Lease was not deemed
11 abandoned by operation of 11 U.S.C. Section 554(c). In light of the foregoing, on June 7,
12 2022, UST filed a motion for order reporting chapter 7 case so that Trustee may investigate
13 the estate's interest in unscheduled assets. The Court granted the UST's motion to reopen by
14 order entered on June 10, 2022.

15 **4.** Trustee is currently in the process of negotiating a settlement to resolve the
16 rights acquired by Trustee under a prior settlement with California Bank & Trust. The
17 settlement amount is estimated at \$50,000.00. The expected settlement proceeds exceed the
18 minimum amount necessary for the filing of a tax return.

19 **5.** Because the Debtor is also a Limited Liability Company, Trustee is required to
20 file annual federal and state Limited Liability Company Tax Returns for the bankruptcy
21 estate, without regard to whether or not the Debtor has income or operations.

22 **6.** In light of the foregoing, Trustee believes that the Estate requires the assistance
23 of an accountant to prepare necessary federal and state Limited Liability Company Tax
24 Returns requests for requisite tax clearances.

25 **7.** As provided by Section 327(a) of the Bankruptcy Code, Applicant wishes to
26 employ OoCRB as accountant for the estate.

27 **8.** Applicant believes OoCRB is qualified to provide the following services as
28 appropriate and without limitation:

1 **a.** Advice and tax compliance services regarding the estate's tax liabilities and
2 assistance with preparation of the estate's annual federal and state Corporation
3 Income Tax Returns, as required, and associated requests for prompt
4 assessment of taxes pursuant to 11 USC Section 505(b).

5 **b.** Provide accounting related services, including reviewing banking and financial
6 records; identifying and calculating the Debtor's tax attributes; and, performing
7 other accounting services required by the estate attendant to identifying the
8 estate's gross income and tax deductions, to enable preparation of the estate's
9 income tax returns. And,

10 **c.** Provide analysis and testimony in support of Trustee's motion for approval of
11 administrative tax expenses, if any.

12 **9.** Applicant desires to employ OoCRB as her accountant under 11 U.S.C. §
13 327(a), which provides:

14 Except as otherwise provided in this section, the trustee, with the court's approval,
15 may employ one or more attorneys, accountants, appraisers, auctioneers, or other
16 professional persons, that do not hold or represent an interest adverse to the estate,
17 and that are disinterested persons, to represent or assist the trustee in carrying out
18 the trustee's duties under this title.

19 **10.** Based on the attached declaration, Applicant believes OoCRB is disinterested
20 within the meaning of 11 U.S.C. § 101(14) on the matters on which it is to be employed.

21 **11.** Applicant and OoCRB have mutually agreed to affirmatively waive a written
22 agreement concerning the terms of OoCRB's employment and, in lieu thereof, this
23 application and the order thereon shall govern the terms of OoCRB's employment by
24 Applicant.

25 **12.** OoCRB has agreed to perform the required services at OoCRB's customary
26 billing rates, effective as of January 1, 2022, which are as follows:

27 Christopher R. Barclay	CPA	\$395.00
28 Mary Lou Cunanan	Para Prof.	\$325.00

EXHIBIT “A”

EXHIBIT “A”

Christopher R. Barclay, MA, CPA, CIRA, ASA

Office of C. R. Barclay, CPA
5055 N. Harbor Dr, Suite 210
San Diego, CA 92106

SUMMARY

Mr. Barclay is a bankruptcy panel trustee in Southern California and has served as a fiduciary in other roles including as court appointed examiner with expanded powers, responsible natural person and disbursing agent. Mr. Barclay was appointed as a standing member of the chapter 7 trustee panel in the Southern District of California effective January 1, 2012. Before 2012, Mr. Barclay served as a standing member of the chapter 7 trustee panel in the Central District of California from 2004 through 2011.

Mr. Barclay conducts forensic accounting investigations concerning financial reporting and accounting practices and provides insolvency related consulting and expert testimony. Mr. Barclay's qualified testimony experience includes topics involving the sale of distressed businesses; business plan feasibility; valuation; tax consequences; cram-down interest rates; asset tracing and forensic accounting investigations.

Mr. Barclay's industry experience includes real estate, manufacturing, professional services, consumer goods and services and agri-business.

PROFESSIONAL EXPERIENCE

2011 to Present	Office of C.R. Barclay, CPA <hr/>
2006 to 2011	LECG Director
1992 to 2006	Mack Barclay Inc. Shareholder (1994)
1986 to 1992	Steres Alpert & Carne Senior Manager
1985 to 1986	Nydam, Scholten & Stewart Senior Accountant
1982 to 1985	Scott & Gabriel Accountant

EDUCATION

Master of Arts, Economics, San Diego State University, 1988
Bachelor of Arts, Economics, California State University - Fullerton, 1984

LICENSES & PROFESSIONAL MEMBERSHIPS

Certified Public Accountant, California 1986
Certified Insolvency and Restructuring Advisor, AIRA, 1993
(Zolfo, Cooper Silver Medal Award Recipient, AIRA, 1993)
Accredited Senior Appraiser, Business Valuation, ASA, 2001
American Institute of Certified Public Accountants
California Society of Certified Public Accountants
American Bankruptcy Institute
Association of Insolvency and Restructuring Advisors
California Bankruptcy Forum
San Diego Bankruptcy Forum
Inland Empire Bankruptcy Forum
American Society of Appraisers

EXHIBIT “B”

EXHIBIT “B”

CSD 1001A [07/01/18]

Name, Address, Telephone No. & I.D. No.

Leslie T. Gladstone, Trustee

5656 La Jolla Blvd

La Jolla, CA 92037

Telephone (858) 454-9887

UNITED STATES BANKRUPTCY COURT

SOUTHERN DISTRICT OF CALIFORNIA

325 West F Street, San Diego, California 92101-6991

In Re

CREATIVE CAPITAL LEASING GROUP, LLC

Debtor.

BANKRUPTCY NO. 07-04977-LT7

Date of Hearing: [None Set]

Time of Hearing: [None Set]

Name of Judge: Hon. Laura S. Taylor

ORDER ON

TRUSTEE'S EX PARTE APPLICATION TO EMPLOY ACCOUNTANT

The court orders as set forth on the continuation pages attached and numbered 2 through 2 with exhibits, if any, for a total of 2 pages. Motion/Application Docket Entry No. _____.

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DATED:

Judge, United States Bankruptcy Court

Upon the Ex Parte Application of Leslie T. Gladstone, Chapter 7 Trustee, for authority to employ Office of C. R. Barclay, CPA, as provided by 11 U.S.C. §327 and F.R.B.P. 2014; and the Court finding that Office of C. R. Barclay, CPA is a disinterested party under 11 U.S.C. §327; further finding no objections being presented by the U.S. Trustee; and good cause appearing therefor;

IT IS HEREBY ORDERED, that the Chapter 7 Trustee shall be, and hereby is, authorized to employ Office of C. R. Barclay, CPA at the expense of the estate pursuant to the terms provided in the Application on file with the Court and all fees and costs will be paid pursuant to Court approval.

IT IS SO ORDERED.